COURT OF QUEEN'S BENCH OF ALBERTA

1999 - 2000
ANNUAL REPORT

102-03783/

TABLE OF CONTENTS

I. Introduction 1

II. Court News 1

1. Scheduling of Trial Lists 1

2. Pre-Trial Conferences 3

3. Judicial Dispute Resolution 3

4. Family Law 3

(a) Scheduling and Processing 3

(b) Parenting After Separation Seminar 3

(c) Child Support Centres 4

(d) Family Law Reform 4

5. Self-Represented Parties 5

6. Relations with Media and the Public 5

I. INTRODUCTION

Welcome to the second Annual Report of the Court of Queen's Bench. We hope that the news and statistics set out in this document help to further our goal of making the administration of justice more open, more understandable, and therefore more accessible to the people of Alberta.

Last year, we reported on initiatives that the Court undertook during 1998 and the successes of those undertaken in prior years. Most of the figures in this report cover the period April 1, 1999 to March 31, 2000. For a more thorough description of the various procedures and programs active in this Court, you may wish to consult the Annual Report dated February, 1999. It is posted on our web site at: www.albertacourts.ab.ca. (just click on "Court of Queen's Bench"). The Court's Media Relations Officer will also mail a copy at your request.

II. COURT NEWS

In early 2000, we were able to obtain some funding from the government to begin the development of new judicial scheduling and trial co-ordination software, which we anticipate will increase the efficiency of court scheduling assignments immeasurably.

In 1998, the Court participated in the development of caseflow management planning, and has been awaiting government funding for its implementation since then. This program was initiated by the government; however, funding was again put forward to another year.

1. SCHEDULING OF TRIAL LISTS

The Court of Queen's Bench of Alberta and its 63 full-time, and 19 supernumerary, judges are still in a leadership position in Canada in their ability to provide quick access to a court hearing. The time it takes for a matter to proceed to an actual hearing has been considerably shortened through concerted efforts by the judiciary to streamline the process. Our ranks have decreased somewhat due to the retirement of 6 judges over the past year, while our workload has increased. Despite this, we are still able to give trial dates quickly if necessary.

CRIMINAL

In general, the Court in Calgary is able to provide a criminal short trial date, one of five days or less, about 1 month after the matter is committed for trial (which is after any preliminary inquiry has been completed), and after about 4 months in Edmonton.

Long criminal trials in Edmonton can be booked 8 months after a case is committed for trial; in Calgary, a date can be provided 9 months ahead.

In most of the smaller jurisdictions of Alberta, criminal lead times are short. In Fort McMurray, Lethbridge, Medicine Hat, Peace River, Red Deer, and St. Paul, short trial lead times range from about 5.5 weeks to 10 weeks.

To appreciate the speediness of these "times to trial", it is helpful to know the volume of cases which flow through the Court each year. In criminal matters, in all courts in Alberta, 101,728 charges were commenced in the period from April 1, 1999 to March 31, 2000. Of that number, the Court dealt with 1,037 committed for trial. That represents a slight decrease over last year, in which 1,101 cases were ordered to stand trial out of 98,589 charges commenced. 540 cases proceeded to trial in 1999/00, compared to 625 in 1998/99.

Re-elections to Provincial Court are also decreasing, reversing a trend of the last few years. In 1997, 110 accused in Calgary re-elected to be tried in the Provincial Court, while 88 re-elected to be tried in Provincial Court in 1999.

1999/2000 saw a reduction in the amount of crime in the province. In 1998, for example, there were 26 criminal deaths in Edmonton, and only 20 in 1999. That is a 23% decrease. There were also 10% and 8% decreases in sex related and assault offences, respectively.

In Calgary, the number of homicides decreased dramatically, from 29 in 1998 to 11 in 1999. Sexual assault offences decreased by 6%, but the number of assaults increased by 5%. The number of property crimes went down by 2%.

CIVIL

In civil matters, it takes a little longer to obtain a trial date due to the past year's proliferation of long civil trials. However, because of our system of over-booking, we can accommodate civil trials within 2 to 3 months. The Court can schedule a short civil trial relatively quickly – in Calgary, within 6 months of the date of the case's entry into the trial booking system, or of the time a Certificate of Readiness for trial is filed. In Edmonton, a short civil trial can be heard within 8 months.

In contrast, a short civil trial in most of the jurisdictions outside Edmonton and Calgary can be booked from 5.5 to 11 weeks ahead of the time of entry in those centres.

Long civil trials, those that are scheduled to sit for more than five days, are more numerous than short civil trials. They use up more of our system's resources. In addition, their number has increased by 15% since 1998/99, from 222 to 255. Consequently, booking times are a little longer into the future: about 9 months in Edmonton, and 10 months in Calgary. If an emergency arises, however, the Court is able to give a much earlier date.

From April 1, 1999 to March 31, 2000, about 54,700 civil cases were commenced in the Court of Queen's Bench, of which 901 went to trial. This is somewhat more than in 1998/99, which saw about 52,000 civil cases commenced. However, over 1,000 were tried in 1998/99. These numbers exclude certain categories of civil actions. If the cases on divorce, adoption, lawyer-client disputes arising out of contingency agreements, dependent adult, estate and bankruptcy matters are included, the number of civil actions commenced in Edmonton and Calgary alone is 79,400, compared to 76,626 in 1998/99.

2. PRE-TRIAL CONFERENCES

This procedure greatly increases trial effectiveness. It is initiated on application by a party or on the Court's own motion. In the 1999/2000 year, 2,069 civil pre-trial conferences were scheduled. This is 389 more than in the 1998/99 year, or about 23%, the result of the greater number of civil proceedings commenced. Of these, the Court heard 1,612 pre-trial conferences. The difference between the number of cases scheduled and heard is largely attributable to cases which settled before the pre-trial conference.

762 criminal pre-trial conferences were scheduled in 1999/00, a decrease over the past year in which 899 were booked. The reduced number reflects a decrease in the number of jury elections. Of the 762 conferences, 560 proceeded to trial.

3. JUDICIAL DISPUTE RESOLUTION

This initiative, begun in 1994, continues to be heavily utilized. Judicial Dispute Resolution, or JDR, is a neutral evaluation process conducted by a judge which assists parties at reaching an agreement. It is almost universally liked for its cost savings and win-win outcomes.

The Court incorporates dispute resolution weeks into regular sitting schedules, the first in Canada to do so. Two judges are assigned to hear JDR proceedings each week in both Calgary and Edmonton.

In 1999/00, the Court heard 545 JDR's, saving many months of trial schedule. It is estimated that about 75% of the cases that went through the JDR process settled at some point before trial.

4. FAMILY LAW

(a) Scheduling and Processing

Our Family Law Special Chambers has been working very smoothly. In Edmonton, for example, the Court can provide a hearing for a domestic special in one month, which is immediately after document filing deadlines have been met. In Calgary, a family law special can be booked within two months.

In addition, an eight-week backlog in processing divorce cases was rectified, and the turnaround time for processing a desk divorce is now three weeks if no children are involved, and five weeks otherwise. Over 6,200 divorces were granted in the province in 1999.

(b) Parenting After Separation Seminar

Our Parenting After Separation Seminar (PASS) was unique to Alberta in 1997 when the Court initiated it in conjunction with the Department of Justice. Participants must enroll and attend the course before they file applications in Court with respect to matters concerning custody, access and support.

PASS was evaluated in December, 1999, by the Canadian Research Institute for Law and the Family for Alberta Children's Services. The study found that PASS was overwhelmingly judged by its participants to be a well-organized, professionally-delivered program. The information provided was highly valued by those who attended, and the overall recommendation was that the program be continued.

(c) Child Support Centres

The Court made known to the provincial government its ardent support for the continuation of Child Support Centres, whose fixed-term funding by the federal government will be drawing to a close in 2000. The Centres fill a gap in public assistance with the court system, and are invaluable as sources of practical advice for families undergoing breakdown and difficult transitions.

(d) Family Law Reform

Provincial governments have struck a task force to consider a single family law forum. The jury is still out on whether a unified family court is in the public interest in Alberta, but we are participating in the consultative process to assess the needs of family law litigants in Alberta, and to determine what changes should be made to the current system.

The Court of Queen's Bench has made considerable, and successful, efforts to improve access for family law litigants over the past 5 years, and has been pro-active in putting forward services that enhance the resolution of the problems that arise during family relationship breakdowns.

Our judges circuit regularly in smaller centres in the province, and have taken the initiative to increase judicial availability through special duty circuits throughout the province. The Court has also greatly expanded access to its judges by way of telephone conference call applications and video conferencing, procedures which ensure that those in remote locations can have their applications heard in a timely fashion without having to expend extra costs and time in travelling to larger centres.

It has simplified forms so that procedures for obtaining court orders are easier. The *ex parte* restraining order application is less complicated than the former statement of claim and affidavit. The joint Statement of Claim for Divorce and Matrimonial Property allows for the commencement of one action instead of the two formerly required. Information packages and precedents are available for litigants without legal representation, and a new family law practice note implemented in 1998 continues to benefit both parties and counsel with simplified procedures.

5. SELF-REPRESENTED PARTIES

The Court has been looking at new steps which would assist self-represented litigants to make their way through the legal system. One of those is to retain duty counsel in family law chambers. Another suggestion, which will soon become reality, is the development of a booklet to guide the self-represented through the criminal court process and to find other helpful community resources.

6. RELATIONS WITH MEDIA AND THE PUBLIC

In 1999/00, the Media Relations Committee took steps to implement suggestions contained in the report by the Canadian Judicial Council. The report, entitled "The Judicial Role in Public Information", recommended that courts develop local public information plans to enhance relations between them and the public.

With that and other recommendations in mind, the Court meets about twice a year with management representatives of local newspapers to discuss topics of mutual interest. These meetings have resulted in a better understanding of our respective roles.

Recently, the Alberta Courts Public Information Committee was struck to co- ordinate efforts to develop two-way communication with members of the public. This Committee is made up of judges from the three levels of courts in the province. The Public Education Sub-Committee, also newly formed, is in the process of drafting a plan for several programs designed to educate the public on the role of the Court within the justice system and within democracy. These programs would be in addition to the existing Courthouse Education Program, which is tailored to the interests of young students.

To assist news reporters, we streamlined the distribution of judgments so that media outlets receive a judge's written decision one hour after its release to the parties or their counsel. In addition, we increased the number of judgments which we release to media with advance notice and an attached executive summary.

Many of our judges give talks to various organizations locally and nationally, making them more accessible to individuals outside the court system. This program is currently undergoing expansion.

It has been an interesting and productive year,
and we hope this Report proves helpful to its readers.

Chief Justice W.K. Moore
Court of Queen's Bench of Alberta
June 30, 2000